

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANITA BECKETT, Administratrix of the	:	CIVIL ACTION
Estate of Samuel Beckett, Deceased	:	
Plaintiff,	:	
	:	
vs.	:	NO. 07-1868
	:	
MICHAEL O. LEAVITT, Secretary of	:	
Health and Human Services,	:	
Defendants.	:	

O R D E R

AND NOW this 9th day of May, 2008, upon consideration of Defendant's Motion for Summary Judgment and Memorandum of Law in Support, Plaintiff's Cross-Motion for Summary Judgment and Response to Defendant's Motion for Summary Judgment, Defendant's Memorandum in Opposition to Plaintiff's Cross-Motion for Summary Judgment, and Plaintiff's Reply to Defendant's Opposition to Plaintiff's Cross-Motion for Summary Judgment, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated April 14, 2008, the Court noting that no objections have been filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated April 14, 2008, is **APPROVED** and **ADOPTED**;
2. Plaintiff's Cross-Motion for Summary Judgment is **GRANTED** to the extent that plaintiff's seeks a remand to the Secretary of Health and Human Services, and is **DENIED** in all other respects;
3. The case is **REMANDED** to the Secretary of Health and Human Services for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated April 14, 2008; and,

4. Defendant's Motion for Summary Judgment is **DENIED**.

BY THE COURT:

/s/ Honorable Jan E. DuBois

JAN E. DUBOIS, J.